



MEETING MINUTES

BOARD OF SUPERVISORS, COUNTY OF MONO

STATE OF CALIFORNIA

Regular Meetings: The First, Second,
and Third Tuesday of each month

REGULAR MEETING
September 4, 2007

County Courthouse
Bridgeport, California 93517

9:00 a.m. Meeting Called to Order by Chairman Hazard

Pledge of Allegiance led by Supervisor Reid

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Mary Canada, Sierra Business Council, said the Council works to enhance the social, natural and financial health of the Sierra Nevada for this and future generations. She updated the Board about current projects. Conferences sponsored by SBC: State of the Sierra and an upcoming conference about sustainable economy. They intend to apply for grants to help fund future projects.

BOARD MEMBER REPORTS

Supervisor Reid reported on the following issues and activities:

1. Emceed Keith Hartstrom's retirement party; it was a successful event.
2. August 29, attended a meeting in Walker; Caltrans presented information about improvements.
3. Tomorrow will meet in Lee Vining with several people to discuss issues concerning IMAAA.

Supervisor Hunt reported on the following issues and activities:

1. Attended the ESTA board meeting; passed a business plan and vision statement. Progressing rapidly on the transit authority.
2. August 30, attended a meeting about the Stickles property. There are concerns about how to proceed; BLM has 480 acres for possible exchange. Determined this is probably the best place for development to take place. New tax base will help address community needs.
3. September 1, the Rotary annual auction raised \$30,000.
4. Played in the Mammoth Lakes tennis tournament.

Supervisor Bauer reported on the following issues and activities:

1. Met with several transportation people the week prior to last. By the end of the week, they were more informed about how the transportation system works here. Devil's Postpile wants to eliminate transportation expenses.
2. Working with the June Lake community about their issues; 27 issues are categorized.
3. Next Monday will attend the CSAC workshop; have appointments with Cox and Berryhill.
4. Eastern Sierra Regional Partnership website is up and running.
5. Madera County has postponed any action on the tent.
6. There are budget cuts in transit.
7. The AOC meeting is Wednesday night.
8. Attended a Mammoth football game.
9. Will attend the June Lake community meeting tonight.

Supervisor Farnetti reported on the following issues and activities:

1. Last Tuesday met with Scott Burns and Larry Johnston about housing mitigation requirements for Sierra Business Park. Should come back to the Housing Authority and the Board with various options to make requirements site specific.
2. Attended the donor reception for the Mammoth Library; there was a great turnout. Their goal is to have 30 computer stations downstairs and 30 stations upstairs. This facility will be very nice for the community and the County.
3. Received a notice from the Forest Service about the new supervisor for the Inyo.
4. Busy weekend in Mammoth: there was a 20-year high school reunion and attended the art fair.

Chairman Hazard reported on the following issues and activities:

1. Met with the Planning Department about the business park housing mitigation issue; this is an evolutionary process the Board needs to review continuously.
2. Met with DWP, the Stickles, and BLM about property near Highway 6. Regarding land tenure, Chalfant and Tri Valley prefer development to land tenure. They are considering land exchanges that will benefit development in the area.
3. Drafted a letter to Senator Cox regarding the unreliable 911 service provided by Verizon. Would like to draft a chronological history of the problems the County has experienced. The letter suggests that all parties involved meet to discuss the issues.
4. On September 6 Caltrans will have a ceremony and ribbon-cutting for the extension from Mojave.
5. White Mountain Estates project appears to be moving forward. This is a phase-two project: manufactured homes on 39 acres.
6. Developing a well on his property was a difficult process. Will be sympathetic to water issues in other communities.

COUNTY ADMINISTRATIVE OFFICE

- 1) CAO Report regarding Board Assignments (**David Wilbrecht**)
RECOMMENDED ACTION: Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

David Wilbrecht, CAO, reported on the following issues and activities:

1. Attended time-management training.
2. Working on personnel issues.
3. Attended ESTA board meeting.
4. Attended the budget workshops.
5. Agenda Review Committee met; hoping can work within the Board's target range of putting items on the agenda. Committee functions well; software is developed and should be ready for use soon.
6. Working with Supervisor Reid on IMAA issues.

- 2a)
M07-210

APPROVAL OF MINUTES

Regular meeting of August 14, 2007, as amended.

Chairman Hazard's Board Report, #3: **Senator Cox** will be attending the meeting on September 18.
(**Hunt/Bauer, 5-0**)

- 2b)
M07-211

Regular meeting of August 21, 2007
(**Bauer/Reid, 5-0**)

2c)
M07-212

Special meetings of August 27, 28, 29, 2007, as amended.
Page 3, Item 1b), August 28, bullet point #4: Charles **Broten**
(*Farnetti/Hunt, 5-0*)

CLOSED SESSION

Closed Session from 9:10 a.m. through 9:35 a.m.

3) CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION.
Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9. Number of potential cases: one.

The Board had nothing to report.

Reconvened at 9:35 a.m.

DEPARTMENT REPORTS/EMERGING ISSUES

Christy Robles, Assistant County Clerk, reported on the following:

1. Updated the Board about current issues regarding voting equipment. Her complete report is on file in the Clerk's Office. Paper ballots will be required for the February presidential primary. Two choices: purchase nine new Insight machines (\$5,500 each), or purchase four Insight machines and perform central counting in the Clerk's Office. Robles proposed using the old voter boxes, which are locked and would be delivered to the central counting location. Voters will need to be re-educated about the voting process. The least expensive option will cost about \$53,000; the department may have up to \$47,000 available. Robles will email the Board a copy of the Secretary of State's decertification document once it is available. Robles said she must make a decision by Friday and needs Board direction.

Marshall Rudolph, County Counsel, said if the Board wants to discuss this issue, they must make a motion declaring the need for an urgency item.

ACTION: Determine that there is a need to take immediate action with respect to the proposed agenda item, that the need for action came to the County's attention subsequent to the agenda being posted and, therefore, that the Board add the item to the agenda.

M07-213

(*Farnetti/Hunt, 5-0*)

Supervisor Farnetti asked Robles for a recommendation. Robles said the least impact would be to order four machines and do a central count, using the locked and secured boxes to deliver ballots to the Clerk's office; however, results will be determined much later. This process will require more staff; possibly just the current staff members will suffice. Supervisor Bauer asked if some combination method is possible; Robles said so far it sounds like an either/or process. Supervisor Reid said he would rather give preference to voters' rights than cost to the County. Reid asked Robles to report back later this afternoon to outline the options and total costs. Chairman Hazard said the voting process will slow down if precincts are combined; Robles said in the past it seemed to work out. Hazard asked if there was any possibility for cost recovery from the State; Robles said so far there is no funding available. To ease lines at the polls, the County can order two additional machines.

Kelly Garcia, Public Works, reported on the following:

1. For the past six weeks they have not been able to get aviation fuel, but have been looking for other vendors. Emailed other airport managers about this issue; most of the airports have guaranteed contracts.

Sheriff Scholl reported on the following:

1. Two active search and rescues are currently underway.
2. Hired an additional deputy sheriff last week. He has 13 years experience with the San Diego Police Department, and experience as a sky marshal. Chris Callahan will be graduating from the Sheriff's Academy on the 25th.
3. The weekend was quiet for Mono County; helped Inyo County with problems they had.
4. One of the patrol cars was broken into; one semi-automatic rifle was stolen, but a suspect was arrested within 24 hours and the weapon was recovered.

Brian Muir, Finance Director, reported on the following:

1. Regarding the problem with the property tax system, he should have a report by the next meeting. Will report legal ramifications and options.

CONSENT AGENDA

COMMUNITY DEVELOPMENT

- 4) Retirement Resolution for Keith Hartstrom
ACTION: Approve retirement resolution honoring Keith Hartstrom for his years of service to Mono County.
(Hunt/Reid, 5-0)
- M07-214**

Break from 10:00 a.m. through 10:05 a.m.; reconvened at 10:05 a.m.

REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL) All items listed are available for review and are located in the Office of the Clerk of the Board				
	Received	Dated	From	Subject
5a)	8-16-07	8-08-07	California Department of Social Services	Observations from John A. Wagner, Director, CDSS
5b)	8-21-07	8-14-07	Jamie Alichwer, June Lake Villager	Hearing before the EQ Board regarding property assessment
5c)	8-21-07	8-15-07	California Arts Council	Seventh Annual California Arts Day on Friday, October 5, 2007

5d)	8-23-07	8-17-07	Eastern Sierra Watershed Project	Thank-you letter addressed to Dan Lyster
<p>Supervisor Farnetti pulled 5b) for discussion. This person is requesting a hearing before the Board, but the Board has no legal authority to hear this matter. Marshall Rudolph, County Counsel, said the Board has no jurisdiction over assessment appeals; the Assessment Appeals Board is the proper body to hear appeals. The property owner appeared before the Assessment Appeals Board; the appeal was rejected. The owner's recourse is to pursue this with the courts. Stacey Simon, County Counsel's office, said she discussed the issue with the property owner; it would be reasonable to send a letter reminding her of the remedy available. The Board asked for a letter to be drafted for the Chair to sign; Rudolph said his office will do this.</p> <p>Supervisor Hunt, pulled 5c) for discussion. He would like to see the Board support the Arts Council's request to declare October 5 as California Arts Day. He asked to have the sample resolution agendaized for the next meeting (September 11, 2007).</p> <p>Chairman Hazard acknowledged receipt of the correspondence.</p>				

COMMUNITY DEVELOPMENT

- 6) Retirement Resolution for Keith Hartstrom
ACTION: Present retirement resolution to Keith Hartstrom honoring him for his years of service to Mono County.

Chairman Hazard read the resolution and presented it to Mr. Hartstrom. The Board congratulated him.

COUNTY COUNSEL/PUBLIC WORKS

- 7) Wireless Communications (**Marshall Rudolph, Kelly Garcia**)
ACTION: (1) Receive a brief oral staff report regarding a conceptual, proposed wireless communications site behind the Long Valley Fire Protection District's fire station on Crowley Lake Drive. The site is currently owned by the City of Los Angeles (DWP), leased to the County, and subleased to the Long Valley Fire Protection District. (2) Provide any desired direction to staff.

Marshall Rudolph, County Counsel, said there has been interest expressed by Alltel Wireless in putting an antenna at the backside of the Long Valley fire station. They have been encouraged by Planning to explore alternate sites since Alltel can't do anything on the fire station property unless all three agencies agree to the use, which will require lease amendments. They are proposing to erect a tower that could accommodate one or two other carriers; it is a 60-foot pine, with ground equipment next to it. The key party is DWP since this is their property. They can make this happen if the County wants it, but they will require direct leases with each of the interested parties. The County will not make any money from this project. Long Valley is interested in this, and there is benefit to the public. If the Board is interested, DWP suggested a meeting of the appropriate staff to discuss what is in the best interest of the public. County staff would then bring back a recommendation to the Board.

Rudolph said it may be possible for the County to purchase the property; DWP indicated they would be willing to consider this option. The difficulty is that DWP has a policy about maintaining ground water rights, which means the property owner could not have their own well, and would have to connect to a water utility. Chairman Hazard said the area does need this type of service, and this site provides good coverage. Hazard supported moving the communications option forward. He suggested the Board could consider the option to purchase in the future. The Board agreed.

PUBLIC WORKS

- 8a)** Bid Award for Lundy Lake Road Rehabilitation Project (**Kelly Garcia**)
M07-215 **ACTION:** (1) Acknowledge receipt of proposals on August 21, 2007, and based upon review and recommendation by the Public Works Director, award the contract to Carlson Construction. (2) Approve and authorize the Public Works Director (in consultation with County Counsel) to finalize and administer a contract with Carlson Construction for the rehabilitation of Lundy Lake Road, in an amount not to exceed \$1,491,852. This authorization shall include making minor amendments to said contract from time to time as the Public Works Director may deem necessary, provided such amendments do not substantially alter the scope of work or budget and are approved as to form by County Counsel.
(Reid/Farnetti, 5-0)

Kelly Garcia said bids were opened on August 21 and were substantially higher than expected. After removing the aprons and associated earthwork, changing the approach to rehabilitating the first 1.3 miles of the road, and utilizing the road department, the cost was reduced to \$1,491,852. She did not receive comments back from the unsuccessful bidders, so recommend awarding the contract to Carlson Construction so the project can move forward. After removing the above-referenced items from all the bids, Carlson was still the lowest. The price of oil is driving the bids.

- 8b)** Grant Funding for Property Acquisitions at Bryant Field Airport (**Kelly Garcia**)
M07-216 **ACTION:** (1) Acknowledge receipt of Grant Offer for Project No. 3-06-0030-06 from the Federal Aviation Administration in the amount of \$315,302 for acquisition of property at Bryant Field. Approve, authorize, and ratify the Public Works Director (in consultation with County Counsel) to execute and accept the agreement for property acquisition. (2) Approve and authorize the Public Works Director to utilize up to \$8,712 from the Bryant Field Special Aviation Account as match funding (2.625%) for the Bryant Field property acquisition. (3) Approve and authorize the Chairman's signature on **Resolution R07-60**, "A Resolution of the Mono County Board of Supervisors authorizing the submittal of an application, acceptance of an allocation of funds and execution of a grant agreement with the California Department of Transportation, for an Airport Improvement Program (AIP) matching grant."
R07-60 **(Reid/Bauer, 5-0)**

Kelly Garcia said as part of the ongoing airport capital improvement project, the FAA has sent a grant offer for Bryant Field in the amount of \$315,302; the offer includes funding to acquire a half-acre of property to realign Stock Drive in order to pull it out of the runway detection zone. The amount of the grant will cover the cost of the Sturgeon parcel and \$50,000 for the half acre. This requires a match from the Bryan Field aviation account and a resolution from the Board. The redesign of Stock Drive is scheduled for next year. Supervisor Reid asked about the additional \$7,800 from the State. Garcia will apply for this funding after Board approval.

BOARD OF SUPERVISORS

9a) CSAC Draft Policy Statement on Climate Change (**Supervisor Bauer**)

ACTION: (1) Receive input from Department Heads. (2) Approve additions and changes to the CSAC Draft Policy Statement on Climate Change introduced by Supervisor Bauer and discussed by the Board at the August 21, 2007, Board of Supervisors meeting.

Supervisor Bauer said this is the same document discussed in August. Scott Burns was the only department head who reviewed the document and he said it is fine. The Board supported Supervisor Bauer's draft.

9b) Board of Supervisors' Attendance at Various Meetings, and Potential Appointment of a Non-Board Member Alternate for the LTC (**Chairman Hazard**)

ACTION: (1) Discuss the issue of coverage at various meetings when Board Members are unable to attend. Currently this affects the Local Transportation Commission (LTC) and the Eastern Sierra Transit Authority (ESTA). Because of a conflict of interest, Board Members sitting on either board cannot switch between the two in order to attend as alternates. (2) Potentially appoint one or more non-Board Members as alternates.

Regarding ESTA and LTC, Chairman Hazard said members of the Board who sit on the two bodies cannot act as alternates between the two boards. Two different thoughts for alternates: (1) Utilize a County staff member to sit as an alternate. Because of their experience level, they would be able to respond appropriately, although there is some conflict of interest. (2) Have a citizen at-large sit in, which would relieve conflicts but brings up the issue of the ability to make decisions. Supervisor Hunt said having a staff member would be the appropriate idea because they have the experience and knowledge.

Regarding conflicts with County staff, Marshall Rudolph, County Counsel, said a staff member must not be associated with LTC. Scott Burns, Planning Department, said most of the planners touch LTC matters at some point, so it would be awkward to have Planning staff involved. Rudolph said the Board can appoint a County employee whose duties don't include LTC. Burns said citizens have served on LTC in the past and they took it seriously; there are people involved in the transportation arena.

Supervisor Bauer said this issue needs a broader discussion because it is a sticky issue. There has to be group policy decisions made at LTC and ESTA meetings. The Inyo LTC and Mono LTC could benefit from moving forward as a regional planning agency for transportation. There could be changes that might be broader than this discussion. Bauer said she has two people who are interested; they would just be alternates.

Supervisors Reid, Farnetti, and Hunt suggested if this is a coverage issue, the Board should monitor the meeting agendas to determine the issues requiring full participation. If two members can't attend, then maybe the meeting can be changed. Chairman Hazard said at this time the Board reaffirms the current County representation on LTC.

Break at 11:35 a.m. through 11:40 a.m.; reconvened at 11:40 a.m.

9c)

Verbal Update and Status Report by the Assessor on his Office and Activities
(James Lovett)

ACTION: (1) Receive a verbal report from the Assessor regarding the status of his office and activities. (2) Provide any desired direction to staff.

James Lovett, Assessor, reported on the following:

- Based on questions asked last week, he reviewed Mr. Hansen's contract with the County. It is a one-year contract created in September 2006. The total sum of all payments shall not exceed \$50,000. Hansen is to submit a monthly billing of services; to date, the only service performed is for a fact-finding trip that cost \$2500. Pursuant to the Revenue and Taxation Code, the contractor will maintain confidentiality.
- Regarding work load, Lovett distributed a spreadsheet showing transfers and work that still needs to be done (on file in the Clerk's office).
- It has been reported that Lovett could retire at 102% of his current salary; this is wrong. He said if could retire at 102%, he would do so.
- Drinking has been an issue. Since returning from rehab, he only consumes alcohol in the evening. He has witnesses who can testify to his behavior during the day.
- Regarding his residence, his legal residence is still in Bridgeport.
- Addressing inconsistencies, Lovett said the Board asked if there was anything they could do to help the office, but at the budget meetings the Board wanted to cut his budgets. Regarding backlog and Lovett's need to help, the Board took away his car allowance and Lovett said he will not use his own car.

Lovett concluded his report and left the Board room.

Supervisor Bauer asked about Lovett's retirement benefits. Robert Garret is researching the benefits from Imperial County where Lovett served for about 17 years; PERS benefits started in the 1990s.

Supervisor Reid said the Board has oversight over County departments, including elected officials; he suggested calling the Sheriff to subpoena Lovett to return to the Board. Supervisor Bauer said this isn't changing any of his actions; Reid said it makes things public. Supervisor Farnetti agreed with Supervisor Reid. Supervisor Hunt agreed that the Board needs to talk with him. Chairman Hazard said the Board has the authority to require reports before the Board. He supported issuing another subpoena.

M07-217 ACTION: Board finds and determines that it is necessary and important for James Lovett, Mono County Assessor, to appear at the Board of Supervisors meeting today at 3:00 p.m., to be examined as a witness and County officer regarding his discharge of official duties and relating to the affairs or interests of the County, and therefore the Chair is directed to issue a subpoena pursuant to Government Code section 25170.
(Hunt/Farnetti, 5-0)

James Lovett appeared before the Board at 3:00 p.m. Lovett agreed that the Board has a right to ask questions.

Supervisor Farnetti proceeded to ask about the following:
What has Mr. Hansen provided?

A: So far he has collected information, but has not yet provided a report. Mr. Hansen is waiting to get information from the Mountain. Lovett planned to call Hansen this week. The only property not yet reappraised is the ski resort; other properties have been reappraised. Farnetti asked Lovett to find out about this issue by next week.

Asked for clarification about the information provided this morning.

A: Lovett said the report shows everything outstanding from 2003-2006; this is considered backlog. The 1,561 parcels include everything, not just the backlog (the total backlog is listed at the bottom of page 2).

Why did Lovett not submit an organizational chart or goals with the Assessor's budget?

A: Lovett thought Betty May had done this.

What were the Assessor's significant accomplishments for FY 2006-07?

A: Lovett would need to review this; Farnetti asked for a report next week.

What are the Assessor's goals for FY 07-08?

A: To produce and turn over a correct assessment roll to the financial department; whatever it takes to produce the roll.

Is Hansen the most significant contract in the Assessor's office?

A: No, Herold Berthol (geothermal plant) is the most significant. Lovett will look up the amount of the contract and provide the information next week.

Has Lovett contacted the consultant (Hansen) by phone or email requesting the status of the contract?
Does Lovett understand the Board's sense of urgency about this matter?

A: Lovett has not talked with Hansen; Bob Musil has called Hansen a couple of times. Staff is capable of taking on assignments. Lovett said this issue has been urgent since 1997.

When Lovett took his oath of office in January, he agreed to faithfully discharge the duties of his office; does Lovett think he is doing this?

A: Yes, he is completing the state mandated job he was elected to do, which is to turn over a timely assessment roll each year. He also holds monthly staff meetings and training sessions from time-to-time.

Does Lovett believe feedback when told he is not faithfully discharging his duties?

A: A shop owner today told him he was doing a good job.

Supervisor Reid asked a series of questions:

When did Lovett receive the letter from Baumwohl regarding fact that he didn't want to provide documentation until he was assured about the confidentiality clause?

A: Lovett said June.

On August 14, Lovett said the matter should be resolved by summer; when did Lovett respond to Baumwohl?

A: Lovett said he would have to check and let the Board know.

Reid said the ownership of the Mountain changed ownership in 1997, so they have lost five years.

A: Lovett said one of the first things he did as Assessor was work on the Hansen contract.

Reid said information about Lovett's retirement was inaccurate; Lovett does not have 102% retirement coming. Reid apologized to Lovett. Regarding residence, Reid said legally Lovett resides in Bridgeport, but the appearance is that he lives in Nevada.

Reid said previously Lovett said he would work Tuesday through Thursday; Lovett said last week he came in on Monday. During August 22-24: (1) Lovett spoke before the Board on Tuesday but did not go to the office. (2) On Wednesday, Lovett did not go to the office; Lovett said he had medical and legal issues. (3) On Thursday Lovett did not go to the office, but was seen drinking beer at the Bridgeport Inn about 1:30 p.m.; Lovett said he took the day off. Reid said Lovett's behavior affects his job performance.

Reid asked Lovett if he takes ownership for this dilemma with the Board. Lovett said he does and is trying to resolve it.

Supervisor Bauer said a constituent in June Lake has been trying to reach Lovett for three weeks. Lovett said he called a couple of times and spoke with her. He said he had no control over this issue, but the issue has been resolved through the tax collector. Bauer said this constituent waited three weeks. Lovett said the tax collector said they talked to her numerous times. Bauer said another constituent (special water district) said the assessment rolls are arriving slower and slower. Has Lovett received any complaints? Lovett said no, he had received no complaints.

Supervisor Hunt commented that this process is a folly and a waste of resources; the subpoena process is an embarrassment. The Board needs a dialogue with Lovett and hopefully this can be conducted in a more amicable way.

Chairman Hazard referred to comments made earlier: (1) Regarding Hazard's position about the Assessor's budget, Lovett submitted an incomplete budget and there are indicators that the department is not performing, but Hazard reversed his position about funding the Assessor's budget. (2) Regarding Lovett's auto allowance, until the Board knows he is sober, they do not want Lovett using a vehicle on County business; the County will make transportation available so Lovett can do his job. Lovett said he does not drive while intoxicated, and will not be chauffeured. (3) Hazard asked about the Hansen contract; there has been discussion about a failure to perform under the contract, which is due to expire. What has Lovett done to resolve this issue? Lovett said he will review the contract.

Chairman Hazard asked Lovett if he could see why the Board has management concerns. Lovett said the department is being managed well. Hazard referred to today's subpoena; Lovett said he has not ignored a subpoena. Hazard asked Lovett if he has ignored the authority of Board; Lovett said to an extent, yes. Hazard asked if the Board would have to subpoena Lovett on a regular basis; Lovett said he didn't think so. Lovett said he left today because he gave his report, and he is doing his job as mandated by the Revenue and Taxation Code.

Hazard referred to the spreadsheet Lovett distributed earlier and asked how the office will reduce the number of outstanding assessments. Lovett said his staff is working hard to get the backlog cleared up; it is no where near what it was before. Lovett said he will provide a monthly update, and said he is working on some of the backlog.

Hazard said a constituent called and said their parcel map was approved in May, it was recorded in June, submitted for parcel numbers, which takes about 30 days. They have not yet received their assessor parcel numbers and it has been almost 90 days. This was resolved but the problem is it took 90 days. Lovett is not performing as expected. Lovett said he will report back why it took 90 days.

Hazard asked how the budget got flawed; Lovett said he thought the information had been provided. Hazard said the quality of Lovett's work has dropped over the last 10 months; Lovett has demonstrated that he can do the job, why can't he get back the quality? Lovett said he is slowly getting back. Hazard said he needs to improve quickly; the Board wants him to be successful. Lovett said a proper assessment roll will be turned over to the auditor/controller in a timely manner.

~LUNCH~

Break from 11:55 a.m. through 1:00 p.m.; reconvened at 1:00 p.m.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

AUDITOR-CONTROLLER

- 10)** Appropriations Limit (**Brian Muir**)
ACTION: Approve and authorize the Chairman's signature on proposed **Resolution**
R07-61 setting the Appropriation Limit for Fiscal Year 2007-08.
(Hunt/Farnetti, 5-0)

Brian Muir, Finance Director, said the Gann Limit is calculated by using a number of different indexes in order to determine the most advantageous limit. He said he had reviewed the constitution to make sure they calculated this corrected. The limit is about \$21 million and the County is close to this limit. One option is to purchase the land for the land exchange outright, which will help reduce the limit.

BOARD OF SUPERVISORS

- 11a)** Workshop to Discuss Critical Habitat Designation for the Sierra Nevada Bighorn Sheep as Proposed by the U. S. Department of the Interior, Fish and Wildlife Service
- M07-218** **ACTION:** (1) Direct Dan Lyster to contact the Department of the Interior, Fish and Wildlife Service, to request a public workshop to be held in Bridgeport at Memorial Hall. (2) Authorize Lyster to draft a letter for the Board Chair's signature to be faxed tomorrow and sent via signature-returned mail.
(Reid/Hunt, 5-0)
- M07-219** **ACTION:** Direct Dan Lyster to draft a letter requesting exemption of Mono County from the critical habitat designation until the workshop is conducted.
(Reid/Hunt, 5-0)

Tom Stephenson, Department of Fish and Game, talked about the proposal:

- The Endangered Species Act requires that a critical habitat be designated for every endangered species.
- The Department of Fish and Game was charged as a lead agency to manage the recovery program for the bighorn sheep. They have managed the program since 2001; the charge is to take action that will help the species recover.
- The designation identifies habitat essential for the recovery of the species. Stephenson provided a map outlining the potential habitats (on file in the Clerk's Office). The recovery plan designates recovery goals, which are 305 ewes; currently there are about 150. The ewes are distributed among 12 of the 16 herd units required for recovery.
- Bighorn sheep are specific in their habitat requirements; typically they winter at lower elevations (5,000 feet) and summer at higher elevations. Each herd unit identified includes sufficient winter and summer ranges, plus transitional ranges connecting the two.
- The recovery plan discusses the primary threats to recovery. Threats include predation from mountain lions, need for habitat enhancement, and disease transmission from domestic sheep. A major portion of the program deals with mountain lion predation.
- Specific activities of concern include anything that would have a significant threat; concern has been expressed about impact to recreation. At this time, there is no significant concern about recreational uses.
- In the 1980s the Forest Service designated two areas as bighorn sheep zoological areas, including the Williamson area. There has been discussion about whether or not these designated areas are still relevant.
- Bighorn sheep can habituate to human activity fairly well, especially predictable activity.

George Milovich said Fish and Wildlife will conduct a hearing in Inyo County in October at the fairgrounds. He asked the Board to move slowly toward a decision since this issue will impact agricultural economics.

Chairman Hazard said the encroachment areas don't seem to be close to areas of human activity; but some areas have a significant impact on domestic sheep grazing areas. Why wasn't the habitat line drawn further away so there is a natural separation? Stephenson said this is a function of geography and topography: the higher elevation areas are optimal for bighorn sheep grazing in the summer. It is a problem to have bighorn habitat close to domestic sheep grazing. Hazard said the program is being expanded at the expense of the grazing allotments; why should the County not be concerned about losing grazing allotments when the bighorn may not be viable in this area? Stephenson said they are viable in this area; in the past they were widely distributed. The two primary factors for their disappearance are unregulated hunting from mining days and contact with domestic sheep. Translocation was determined based on suitable habitat. Currently there are 40 animals in the northern recovery unit; this population has slowly been increasing. There is a 90% plus survival rate among the adult population, although mountain lions continue to take adult sheep. The program includes collaring mountain lions in the sheep habitat; the lions are then monitored. The lions' main food source is deer; lions that hunt sheep are removed. The focus on domestic sheep is due to the transmission of disease; a bighorn can contract a disease and then take it back to the herd which causes a large die-off.

Fred Fulstone, ranch owner, presented the following information:

- He has been trying for 23 years to protect his way of life and business. Thousands of domestic sheep and cattle have been removed from Mono Basin due to the bighorn sheep. This is because of the myth of disease passed from domestic sheep to bighorn sheep. To date not a single report has been published documenting disease transmission to bighorn sheep.
- If the proposed habitat is designated, it will cut more production in Mono County. Recreational activities will also be targeted and controlled. Designating units 1 and 2 as critical habitat will impact the economy. The grazing of domestic livestock is important to the sustainability of the economy. Units 1 and 2 are not considered essential to the recovery of bighorn sheep.
- The California Fish and Game has two million acres of suitable habitat for bighorn sheep south of Mammoth.
- In 1888-89, bighorn sheep were greatly impacted by a heavy winter; it was not due to domestic sheep.
- This issue also impacts the cattlemen due to disease that kills the bighorn sheep.
- He referred to a zone of vulnerability that impacts Bridgeport and Twin Lakes.
- He referred to scientific papers that indicate the Sierra bighorn sheep population is not a distinct species.

Floyd Rathbun, consulting wildlife biologist representing the Fulstone Ranch, presented the following information:

- The Fulstone Ranch is family operated and has been in this area for five generations, so they are good stewards of the land.
- The Endangered Species Act specifies that the best scientific data will be used.
- When the bighorns were transplanted in Lee Vining Canyon, biologists did not think the sheep would survive. Harsh winters severely impact wildlife. Sheep need access to forage as well as escape from predators; the area north of Mammoth Lakes is too high to provide suitable winter range.
- Bighorn sheep travel east and west so they are not genetically distinct due to interbreeding with other populations.

- Asked the Board of Supervisors to object to the critical habitat in Mono County, and insist that the sheep found north of Mammoth Lakes should be removed from the endangered species list due to interbreeding.
- Recreation may be restricted in the future.
- Proposed north-south travel corridors along the Sierra will also impact Mono County.

Supervisor Reid suggested the Board take time to review the information presented prior to a public hearing. Dan Lyster said after speaking with Bob Williams (Fish and Wildlife Service), it is likely that the public comment period will be extended by 30 days.

Dr. Rink spoke about disease and genetics; she has been working on this issue since 2002. Dr. Rink presented the following information:

- Disease transmission has not been clearly documented between bighorn sheep and domesticated sheep in natural settings. Confined settings do cause problems.
- She believes bighorn sheep and domestic sheep can co-exist in the Western United States.
- Bighorn sheep carry diseases, and can potentially transmit diseases amongst populations.
- She has been looking for 17 years to find a connection between contact with domestic sheep and pneumonia. Taking domestic sheep off the range will not stop disease among bighorn sheep.
- If sheep producers manage to prevent contact, bighorn and domestic sheep can live side-by-side without disasters.
- Regarding genetics, the bighorn population segment in Mono County is not distinct. In 1968 and 1969 several relocations of bighorn sheep were done to establish new populations; these are the populations that migrated into the Eastern Sierra.
- Normally if there is a die-off based on disease, the animals that survive are resistant to that disease, such as pneumonia. Bighorn sheep are not resistant to pneumonia so it is unlikely that there have been die-offs caused from disease transmitted by domestic sheep.
- Would be hesitant to make policy based on the available data.

Supervisor Bauer asked if the gene study would change the nature of the issue. Dr. Stephenson said originally the bighorn sheep population was listed as a distinct species; it is now listed as a sub-species. In regards to disease, there is a lot that is still unknown.

Supervisor Farnetti agreed with requesting a workshop or public hearing. Chairman Hazard said this issue will not be resolved at one workshop in the near future. The role of the Board is to comment.

Break from 3:00 p.m. through 3:10 p.m.; reconvened at 3:10 p.m.

11b)

Continue Budget Workshop Discussions Pertaining to Fiscal Year 2007-2008

ACTION: Continue budget workshop discussions held August 27, 28, 29, 2007, in order to discuss the FY 2007-2008 budget.

Brian Muir, Finance Department, gave a PowerPoint presentation outlining budget priorities (on file in the Clerk's Office). David Wilbrecht, CAO, said the Board will have an opportunity at mid-year to address budget issues and fund items not funded now. Any money that can be saved at this time is a good solution. Today, the Board needs to look at the list and specify funding decisions they want to make; the Board can then look at remaining items later.

The Board worked through the list of priorities (on file in the Clerk's office). Comments about specific items:

- Walker playground: Encourage fundraising or volunteer labor.
- Exercise Room: Funding for remodeling; the facility is for use by County employees.
- Fencing for Auchoberry Pit: Funding is in anticipation of acquisition.
- Sprung Structure: Suggested using the rural cops fund; the Sheriff wants to keep rural cops money separate
- Park District Study: Should the County participate in the recreation center in Mammoth Lakes? SCI could perform a study to determine community interest in funding the district.
- Master County-wide Communications Survey. This addresses communications needs for the future as they relate to the Sheriff's Department.
- Service Recognition Pins: The committee should report back before money is allocated.
- MHSA: This is for a down payment on the purchase of real estate for a wellness center in Walker; the reserve needs to be reduced by the end of the year.
- Video Conferencing: A question was raised about the usefulness of this equipment.
- Mono Council for the Arts: \$20,000 is an increase from \$12,000; they provide educational programs in schools. The Board agreed to fund \$15,000.
- Mammoth Lakes Trails: First-time funding of 12,500; the Board agreed to \$10,000.
- Trophy Trout Stocking: \$55,000 in addition to the requested funding of \$77,000. The Board agreed to \$32,500.
- Chamber Music Unbound: Funding last year was \$10,000; the Board agreed to fund \$10,000 with expectations about providing more County-wide support. The Board agreed that this organization, or others, may come back at mid-year with requests for more funding.

Marshall Rudolph said this is a workshop process which will produce a proposed budget to be discussed at a public hearing.

Christy Robles reported on equipment needs for elections (addressed under department reports/emerging issues). There are two options: Order all new Insights, or use central counting. Purchasing 11 new machines will cost \$89,000; central count with four new machines will cost about \$53,000. Robles recommended spending the \$89,000 if possible, since this option will better meet the voters' needs. The elections budget has \$30,000 available; \$47,000 will be available if the \$17,000 in Prop 41 money is provided. There is no funding at this time to assist counties. The Board agreed with the \$89,000 expenditure.

M07-220

ACTION: Authorize the Clerk's office in consultation with County Counsel to purchase 11 new Insight machines for a total cost not to exceed \$89,000.

(Bauer/Farnetti, 5-0)

ADJOURNED: 6:00 p.m.

Mono County Board of Supervisors next regular session will be on **September 11, 2007**, at the hour of 9:00 a.m. in the Board Chambers, County Courthouse, Bridgeport, California.

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